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## REMARKS

### DISCUSSION OF CLAIMS

In the Office Action, claims 1-25 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,185,459 to Mehra et al.

In response thereto, claims 1-3, 8-11, 19, 21, and 23 have been cancelled and claims 4-7, 12, 16, 17, 20, 22, 24, and 25 have been amended. Accordingly, claims 4-7, 12-18, 20, 22, 24, and 25 are now pending. Following is a discussion of the patentability of each of the pending claims.

#### Independent Claim 17

Claim 17 has been rewritten in independent form and includes all of the limitations of base claim 1 and intervening claim 2. Claim 17 recites an implantable cardiac stimulation device comprising a pulse generator, a switch means for connecting any combination of first and second terminals to the pulse generator to deliver electrical therapy to a left ventricular pacing electrode, a right ventricular pacing electrode, or both the left and right ventricular pacing electrodes. A control means controls operation of the pulse generator and the switch means. The control means comprises a programmable microcontroller and a computer readable program code means for causing the microcontroller to close both of the first and second switches at differing times to provide bi-ventricular pacing with an interventricular delay.

The *Mehra et al.* reference is directed towards preventing the occurrence of atrial or ventricular tachyarrhythmias by delivering tachyarrhythmia prevention pacing therapies at single or at multiple locations within the atria and/or ventricles. In the embodiment illustrated in Figure 6 (see column 11, line 59 through column 12, line 10), simultaneous pacing of the right and left ventricles may be accomplished by coupling a pulse generator (312) to electrodes 318 and 320 and pacing therebetween. Individual pacing of the right ventricle may also be accomplished by coupling the pulse generator to electrodes 318

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and 328, and individual pacing of the left ventricle may be accomplished by coupling the pulse generator to electrodes 320 and 328. However, nowhere does the Mehra et al. reference disclose or suggest providing biventricular pacing with an interventricular delay. As stated previously, the *Mehra et al.* reference discloses the following: 1) pacing only the right ventricle, 2) pacing only the left ventricle, or 3) pacing both the right and left ventricles simultaneously.

Accordingly, it is respectfully submitted that claim 17 is in condition for allowance.

### Dependent Claims 4-7, 16, and 18

Claims 4-7, 16, and 18 depend from claim 17 and are similarly patentable. Accordingly, it is respectfully submitted that these claims are in condition for allowance.

### Independent Claim 20

Claim 20 has been rewritten in independent form and includes all of the limitations of base claim 8 and intervening claims 9-11. For at least the same reasons discussed above with regards to claim 17, it is respectfully submitted that claim 20 is in condition for allowance.

### Dependent Claims 12-15

Claims 12-15 depend from claim 20 and are similarly patentable. Accordingly, it is respectfully submitted that these claims are in condition for allowance.

### Independent Claim 24

Claim 24 has been rewritten in independent form and includes all of the limitations of base claim 21. For at least the same reasons discussed above with regards to claim 17, it is respectfully submitted that claim 24 is in condition for allowance.

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## Dependent Claims 22 and 25

Claims 22 and 25 depend from claim 24 and are similarly patentable. Accordingly, it is respectfully submitted that these claims are in condition for allowance.

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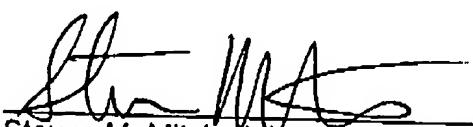
CONCLUSION

In light of the above claim amendments and remarks, it is respectfully submitted that the application is in condition for allowance, and an early notice of allowance is requested.

Respectfully submitted,

2/14/05

Date

  
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